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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Letter dated 25 March 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights*

I have the honour to transmit to you herewith the text of the Decree of the President of the Republic of Azerbaijan of 22 February 1998 on measures in the field of ensuring the citizen's and human rights and freedoms.

I would be grateful if you could circulate the present letter and the above-mentioned Decree as an official document of the fifty-fourth session of the Commission on Human Rights under agenda item 9.

(Signed) S. EIVA ZOVA
Ambassador
Permanent Representative

* The annex is circulated as received, in the language of submission only.

Annex

The DECREE
of the President of Republic of Azerbaijan
On measures in the field of
ensuring the citizen's and human rights and freedoms

After having been tested by centuries and gaining its independence Republic of Azerbaijan as member enjoying full rights of international community, recognising the supremacy of common human values, has chosen the construction of democratic, legal and secular State to be the way of its independence. Nowadays the development of any State or society is impossible without democracy and respect to human rights. Democracy, development and respect to human rights and freedoms are the factors organically linked and conditioned by each other. Human rights in contemporary world where different economical and political systems, ideologies and cultures exist are the most principal criteria of unity of peoples and societies, their humanisation. Human rights which are considered to be the wisest discovery of human civilisation are an irreplaceable achievement which are and to be comprehended. Respect to human rights and their protection is the basic way of integration to contemporary world.

It's well known that full respect to human rights is impossible without peace and calm. As a result of continuing for 10 years Armenian aggression against Azerbaijan 20% of our territory has been occupied, one million of our compatriots have been deprived of elementary human rights. Chaos that in former times exposed the life of our people to danger, existence of illegal armed groups, accumulation of arms among people, the splash of terrorism and organised crime led to mass violation of human rights and freedoms. This situation brought Azerbaijanian people to the threshold of civil war and placed them face to face with danger of losing the national statehood. Having demonstrated the strict will, unity and firmness and survived through hard tests Azerbaijanian people have chosen freedom, justice and peace which are the ideals of human civilisation to be the way of their development. For recent years very important measures have been taken to ensure free and safe living of people, strengthening of our independence.

Azerbaijanian State pursuing the peaceful policy for full restoration of its territorial integrity, violated rights of refugees and forced migrants has achieved the cease-fire and conducts consistent and purposeful work in framework of OSCE's Minsk Group and other international organisations.

Hard consequences of the mentioned public political processes, the danger of civil war, have already been removed. Attempts of coup d'etat in October of 1994 and March of 1995 have been resolutely stopped. Illegal armed gangs, terrorist subversive groups rendered harmless. It has been put an end to chaos, as a result of big work on military construction there has been set up a regular army which is able to defend our Motherland from aggression. Constitution of Republic of Azerbaijan adopted by nation-wide voting ensures citizens' and human rights and freedoms which is the highest aim of our Sate. Using all its political and legal potentialities Republic of Azerbaijan takes all measures to achieve this aim and set up the proper legal mechanisms. The protection of h rights and freedoms of everyone, irrespective of race, nationality, religion, language, sex, origin, political and social belonging and other factors is determined by Constitution as a principal task of legislative, executive and judicial bodies. There has been laid a foundation to continuous perfection of legislative basis based on law and justice which fully ensures civil society and market economy. All conditions to form democratic society have been set up in our State. Democratic elections to Parliament on multipartial basis were held in Azerbaijan, political pluralism, freedom of personality, expression, press, conscience, principles of human rights protection and supremacy of Law have been restored. Care of human being and respect to his/her dignity are laid in the foundation of consistently drastic economical, social and legal reforms.

As a result of reforms economic stagnation and inflation was stopped, firm foundation of new stage of economical development was laid. Consistent privatisation program, land reforms and privatization of land are carried. "Opened doors" policy pursuad in Azerbaijan causes the growth of volume of foreign investments to our economy and accelerates our State's integration with world economic system and at the same time creates grounds for material well-being of our people, as well as protection of economic and social rights of citizens.

Azerbaijanian State living with idea to observe everyone's human rights has joined to about 20 international conventions and agreements in the field of human rights.

Today our aim is to make clear to every single person what his/her responsibility in realisation and protection of human rights consist of.

Considering the protection of human and citizen's rights and freedoms in Republic of Azerbaijan to be the state-wide task, with the purpose to enlarge

measures on further development of democracy and human rights protection in our State in the eve of 50 anniversary of UN's Universal Declaration of Human Rights of 10 December 1948 I take the decision:

1. To propose to Milli Mejlis of Republic of Azerbaijan:

- to be guided by human rights and freedoms enshrined in the Constitution of Republic of Azerbaijan. as principal criteria in the course of preparation of draft-laws and adoption of laws;

- representatives of Milli Mejlis shall participate actively in sessions of parliamentary assemblies of OSCE, Council of Europe, European Parliament, Inter-parliamentary Assembly of CIS member-States, Parliamentary Assembly of Black Sea Economic Co-operation, Inter-parliamentary Union, in works and ventures of appropriate Committees of these Organisations, propagandise the Sate policy of Republic of Azerbaijan in the field of human rights and freedoms protection, reinforce the work on restoration of rights of persons who have become refugees and forced migrants as a result of Armenian-Azeri conflict.

2. To commission to the Cabinet of Ministers of Republic of Azerbaijan and the Presidential Administration of Republic of Azerbaijan in co-operation with appropriate State organs:

- to prepare, within two months, the State draft-program on human rights protection and submit it to the President of Republic of Azerbaijan;

- to discuss the issue on setting up of institute of plenipotentiary of Republic of Azerbaijan on human rights as well as other structures carrying out the human rights and freedoms protection and, within a month, submit the appropriate proposals to the President of Republic of Azerbaijan;

- to submit, within three months, to the President of Republic of Azerbaijan its proposals on more effective ensuring the economic and social rights of refugees and forced migrants, disabled persons, participants of war, poor families;

- to submit, within three months, to the President of Republic of Azerbaijan its proposals on setting up of scientific research institute on human rights;

- in connection with the legal reforms to take measures on ensuring full conformity of normative legal acts to international standards on human rights;

- to submit, within two months, to the President of Republic of Azerbaijan its proposals on improvement of legal mechanisms in the field of human rights protection;

- to ensure the holding of appropriate organisational and other measures on full and effective implementation of international agreements in the field of human rights which Republic of Azerbaijan is a State-Party to;

- to take measures in the field of further development of co-operation with European Commission, Council of Europe, Office for Democratic Institutions and Human Rights of OSCE, "Amnesty International", Human Rights Watch /Helsinki as well as other appropriate structures carrying out activity in the field of human rights and other international organisations;

- to ensure the establishment and promotion of correlation with non-governmental organisations for human rights protection acting in Republic of Azerbaijan;

- to submit, within a month, to the President of Republic of Azerbaijan its proposals on setting up of Commission for the holding of jubilee measures in connection with 50 Anniversary of UN Universal Declaration of Human Rights;

- to submit, within a month, to the President of Republic of Azerbaijan the draft-program agreed with representation of UN in Azerbaijan on protection of rights of women, children, national minorities and carrying out other necessary measures;

- to ensure the participation of specialists in the studying of appropriate research and education programs in international human rights centres;

3. To entrust to the Ministry of Foreign Affairs of Republic of Azerbaijan in co-operation, with appropriate State organs:

- to study the issue on possibility of Republic of Azerbaijan's accession to UN International Convention on Protection of Migrant Workers' and Their Families Rights of 18 December 1990, First Optional Protocol to UN International Covenant on Civil and Political Rights of 23 March 1976, Second Optional Protocol to UN International Covenant on Civil and Political Rights of 15 December 1989, other international agreements in the field of human rights protection and submit, within two months, to the President of Republic of Azerbaijan its appropriate proposals;

- to ensure the application to appropriate international structures and organisations with view of restoration of refugees' and forced migrants' rights violated in consequence of aggression of Armenia against Azerbaijan and reimbursement of their damage;

- to provide Republic's central libraries with documents adopted by international organisations in connection with human rights protection as well as with other editions in this field.

4. To commission to Prosecutor's Office of Republic of Azerbaijan, Ministry of Internal Affairs and Ministry of National Security and to recommend to Supreme Court of Republic of Azerbaijan to provide generalisation of the practice of application of legislation in the field of human rights and elimination of human rights violation cases by inquisition, investigation and judicial organs.

5. To commission to the Ministry of Justice, Ministry of Internal Affairs, Ministry of National Security of Republic of Azerbaijan and Prosecutor's Office of Republic of Azerbaijan to take necessary measures on improvement of detention conditions of persons imprisoned and arrested in the course of preliminary investigation;

6. To commission to the Ministry of Education of Republic of Azerbaijan the preparation for Republic's high, middle specialised and middle average schools the books on human rights and freedoms with view to study international acts on human rights, helding of Olympiads, competitions, art exhibitions, festivals on propaganda of human rights.

7. To commission to the Ministry of Press and Information of Republic of Azerbaijan:

- to ensure the propaganda and distribution by means of informational nets and agencies of measures carried out in our Sate in the field of human rights and freedoms protection;

- to ensure the publication and distribution of specialised newspapers, magazines, booklets and placards on human rights protection.

8. To entrust to the State Television and Radio Broadcasting Company to ensure the preparation of programs devoted to human rights and freedoms.

9. The present decree comes into force from the day of its signing.

Heydar Aliyev
The President of Republic of Azerbaijan

Baku city, 22 February 1998